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Atty Docket: 42P6770

Remarks

Reconsideration of the above referenced application in view of the previous amendment and enclosed remarks is requested. Applicant notes with appreciation that the Examiner has indicated that Claims 5, 16 and 24 are directed toward allowable subject matter. Existing Claims 1-5 and 7-24 remain in the application.

ARGUMENT

Claims 1-4, 7, 14-15 and 22-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Western Digital (full web URL citation omitted) in view of U.S. Patent No. 6,564,318 to Gharda et al. (hereinafter "Gharda et al."). This rejection is respectfully traversed and Claims 1-4, 7, 14-15 and 22-23 are believed allowable based on the following discussion.

The Western Digital web page enables a user to download a driver compatible with their system. Since it is a web page, it uses HTML, or similar, encoding. In contrast, in Claim 1, for instance, Applicant's claimed invention requires *generating a first signal defining 1) a location in a memory, and 2) a length in the memory of a second signal, the first signal having a cross-platform encoding, wherein the second signal comprises configuration settings for a computing system; and storing the first signal such that it may be accessed by an application program and wherein the second signal is applied to the computing system upon at least one of power-on and reset*. The Examiner admits that Western Digital does not teach or suggest that the URL (name and location of data) comprises system configuration settings. Western Digital does not show or suggest that a second signal comprises configuration settings. Nor does Western Digital teach or suggest that the second signal is applied to the computing system upon at least one of power-on and reset.

The Examiner asserts that Gharda et al. teach or suggest that the second signal comprises configuration settings that are applied upon power-on or reset. This assertion is incorrect. Gharda et al. (at Col. 1, lines 63-66) teach that a BIOS can be downloaded to "reflash" the existing system BIOS ROM. Data comprising a replacement BIOS is not the same as data (or a

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signal) comprising system configuration settings. BIOS is a basic input output system comprising instructions and data. Thus, applying the teaching of Gharda et al. to Western Digital would require the download of instructions and configuration data to be applied during power-on or reset. This requirement would necessitate the replacement of the system BIOS every time, in order to operate the invention. This is in contrast to Applicant's claimed invention. Applicant's claimed invention requires only a first signal defining the location and size of the second signal, where the second signal comprises system configuration settings. The second signal does not comprise a full replacement BIOS having instructions, as taught by Gharda et al. The second signal (configuration settings) is applied during power on or reset by the existing BIOS, not a replacement BIOS as taught by Gharda et al.

The application of Gharda et al. to Western Digital will not result in Applicant's claimed invention. Thus, Claim 1 and its progeny are believed allowable.

The Examiner rejects Claim 14 on the same basis as Claim 1. Claim 14 and its progeny are believed allowable based on the foregoing discussion. Similarly, Claims 15, 22-23 and their progeny are believed allowable based on the foregoing discussion.

Claims 8-13 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,493,751 to Tate et al. (hereafter Tate et al.) in view of Western Digital. This rejection is respectfully traversed and Claims 8-13 and 17-21 are believed allowable based on the foregoing and following discussion.

Tate et al. teach a method for managing network configurations in a window-based operating system. A mobile configuration manager is provided for managing network configuration parameters. (Abstract) In contrast, Applicant's claimed invention requires that a second signal represents a system configuration setting for a first computer system. Thus, application of Tate et al. to Western Digital will merely result in a method to locate network configuration parameters and download them from the Internet.

Applicant defines system configuration signals in the Background section as "signals that may determine various settings for the operation of the computer system. For example, configuration signals may determine whether various input/output (I/O) ports comprised by the system are enabled, and I/O addresses for these ports. Configuration signals may determine other computer system settings as well. Such computer configuration signals are well known in the art

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as 'set up information'." (Background) It will be apparent to one of ordinary skill in the art that system configuration may be distinguished from network configuration.

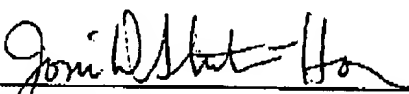
Further, Tate et al. teach a system where the application of new network configuration signals (parameters) may not require the system to reboot. (Col. 13, lines 38-46). It will be apparent to one of ordinary skill in the art that system configuration parameters are to be applied upon power-on or reset of the system and do not optionally cause a reboot of the system, as taught by Tate et al. Thus, combining the teachings of Tate et al. cannot result in Applicant's claimed invention. All claims remaining in the application are now allowable.

CONCLUSION

In view of the foregoing, Claims 1-5 and 7-24 are all in condition for allowance. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (703) 633-6845. Early issuance of Notice of Allowance is respectfully requested. Please charge any shortage of fees in connection with the filing of this paper, including extension of time fees, to Deposit Account Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

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